

REMARKS

Claims 1-47 are pending in this application. In the Office Action dated June 27, 2008, Claims 1-47 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Vaccarelli et al., U.S. Patent Publication No. 2003/0163380 (hereinafter "Vaccarelli"). For the reasons set forth below, applicants respectfully request reconsideration and allowance of this application.

35 U.S.C. § 103(a) Rejections

As indicated above, Claims 1-47 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Vaccarelli. Applicants respectfully traverse the rejections.

While the Supreme Court in *KSR International Co. v. Teleflex Inc.*, 550 U.S. ___, ___, 82 U.S.P.Q.2d 1385, 1395-97 (2007), identified various rationales to support a conclusion of obviousness, it also stated that the key to supporting any rejection under 35 U.S.C. § 103(a) is a clear articulation of the reason(s) why the claimed invention would have been obvious. Moreover, the analysis supporting a rejection under 35 U.S.C. § 103(a) should be made explicit. See, M.P.E.P. § 2143.

In regard to Claims 1-47, the Office Action broadly alleges that the elements of each of these claims are found in Vaccarelli, Figure 3. Applicants submit that this broad allegation fails to satisfy the initial burden of the USPTO in establishing a *prima facie* case of obviousness under 35 U.S.C. § 103(a), as the Office Action fails to clearly articulate the reasons and analysis supporting the rejections of Claims 1-47 under 35 U.S.C. § 103(a). Indeed, the Supreme Court states that "rejections on obviousness cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." *KSR*, 550 U.S. at ___, 82 U.S.P.Q.2d at 1396. See also, M.P.E.P. § 2141.

LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESS^{LLC}
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206.682.8100

In the present matter, the Office Action suggests comparing Vaccarelli, Figure 3 with Figure 3 of the application. However, applicants note that the independent claims recite, *inter alia*, that the communication is a response to a customer service inquiry (Vaccarelli's Figure 3 is a general customer survey, not a response to a customer inquiry) that includes a responsive portion to the customer inquiry. Additionally, while the links referred to in Vaccarelli, Figure 3, ask general questions as to customer satisfaction, the independent claims recite links for indicating whether the responsive portion of the communication satisfies the customer's inquiry. In addition to the elements of the independent claims, there are numerous dependent claims that recite subject matter that is not found Vaccarelli, Figure 3. In short, applicants submit that the broad allegation of the Office Action in rejecting all 47 pending claims as being "obvious variant[s]" of Vaccarelli, Figure 3, represents the conclusory statements that the Supreme Court indicated were insufficient to sustain a rejection on obviousness. See, *KSR*, 550 U.S. at ___, 82 U.S.P.Q.2d at 1396. See also, M.P.E.P. § 2141.

In addition to asserting that the Office Action failed to clearly articulate the reasons and analysis supporting the rejections of any of Claims 1-47, these claims include patentable subject matter that further distinguishes them from the teachings of Vaccarelli. Several of these claims are discussed below.

Claim 1

Claim 1 recites as follows:

A method for processing customer service inquiries, the method comprising:

obtaining a customer service inquiry from a client, the client associated with an electronic mail reply address;

generating a responsive communication corresponding to the customer service inquiry from the client, wherein the responsive communication includes one or more information components

LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESS^{LLC}
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206.682.8100

corresponding to a response from a customer service agent and an embedded unresolved customer service feedback link, wherein the embedded unresolved customer service feedback link is associated with an expiration date when the unresolved customer service feedback link will expire;

transmitting the responsive communication to the client at the electronic mail reply address associated with the client;

obtaining a user selection of the embedded unresolved customer service feedback link; and

generating an escalated customer service query in response to the selection of the embedded unresolved customer service feedback link.

Applicants submit that Vaccarelli fails to disclose at least "an embedded unresolved customer service feedback link ... associated with an expiration date when the unresolved customer service feedback link will expire."

As Vaccarelli fails to disclose "an embedded unresolved customer service feedback link ... associated with an expiration date," and as the Office Action fails to articulate the reasons and analysis as to why this element would have been obvious in view of Vaccarelli, applicants submit that for at least this additional reason Claim 1 is in condition for allowance. Accordingly, applicants request that the 35 U.S.C. § 103(a) rejection of Claim 1 be withdrawn and the claim allowed.

Claims 2-19

In the absence of a clear articulation of the reasons and analysis as to why the elements recited in Claims 2-19 are obvious in view of Vaccarelli, applicants submit that for at least this reason, the 35 U.S.C. § 103(a) rejections of Claims 2-19 were in error and should be withdrawn.

Additionally, Claims 2-19 depend from Claim 1 and are submitted to be allowable for at least the same reasons presented above with respect to Claim 1.

In addition to depending from Claim 1, Claims 2-19 include additional elements that are not found in Vaccarelli. Some of these claims are discussed below.

Claim 5 recites "generating an estimate of the completion of a responsive communication and transmitting the estimate of the completion to the client." Applicants submit that Vaccarelli fails to disclose generating an estimate for completing a responsive communication and, in the absence of any clear articulation and analysis to the contrary, that it would not have been obvious to one of ordinary skill in the art based on the disclosure of Vaccarelli. Hence, the 35 U.S.C. § 103(a) rejection of Claim 5 was in error and should be withdrawn.

Claim 6, dependent on Claim 5, recites particular steps for generating an estimate for completing a responsive communication. As Vaccarelli fails to disclose generating an estimate for completing a responsive communication, it follows that Vaccarelli also fails to disclose the particular steps in generating an estimate for completing a responsive communication. Hence, the 35 U.S.C. § 103(a) rejection of Claim 6 was in error and should be withdrawn.

Claim 7 (also dependent from Claim 5) recites, *inter alia*:

wherein at least of subset of clients are associated a processing priority, the processing priority guaranteeing a responsive communication within a threshold time, and wherein generating an estimate of the completion of a responsive communication includes:

determining whether the client is associated with a processing priority; and

if the client is associated with a processing priority, providing the threshold time as the estimate of the completion of a responsive communication.

Applicants submit that Vaccarelli fails to disclose a subset of clients associated with a processing priority guaranteeing a responsive communication within threshold time, determining whether the client is associated with a processing priority and, if so, providing a threshold time as the estimate of completion of a responsive communication. Moreover, applicants submit that

it would not be obvious to one of ordinary skill in the art in view of the teachings of Vaccarelli, especially in the absence of any clear articulation of reasons or analysis. Accordingly, applicants submit that the 35 U.S.C. § 103(a) rejection of Claim 5 was in error and should be withdrawn.

Claim 20

Independent Claim 20 reads as follows:

A method for processing customer service inquiries, the method comprising:

obtaining a customer service inquiry from a client, the client associated with an electronic mail reply address;

generating a responsive communication corresponding to the customer service inquiry from the client, wherein the responsive communication includes one or more information components corresponding to a response from a customer service agent, a first embedded link corresponding to feedback of an unresolved customer service inquiry and a second embedded link corresponding to feedback of a resolved customer service inquiry, wherein the first embedded link and the second embedded link are associated with an expiration date when the first embedded link and second embedded link will expire;

transmitting the responsive communication to the client at the electronic mail reply address associated with the client;

obtaining a user selection of the first or second embedded link;

processing the feedback associated with the user selection of the first or second embedded link; and

generating a responsive action corresponding to the processing of the feedback associated with the user selection.

Claim 20 recites, with regard to the embedded links in the response from a customer service agent, "wherein the first embedded link and the second embedded link are associated with an expiration date when the first embedded link and second embedded link will expire." As discussed above, Vaccarelli fails to disclose an expiration date associated with an embedded link of a response to a customer service inquiry. In the absence of clear articulation and analysis as to

why, applicants further submit that these elements of Claim 20 would not have been obvious to one skilled in the art. Accordingly, for at least these reasons, applicants submit that the 35 U.S.C. § 103(a) rejection of Claim 20 was in error, should be withdrawn, and the claim allowed.

Claims 21-39

In the absence of a clear articulation of the reasons and analysis as to why the elements recited in Claims 21-39 are obvious in view of Vaccarelli, applicants submit that for at least this reason, the 35 U.S.C. § 103(a) rejections of Claims 21-39 were in error and should be withdrawn.

Additionally, Claims 21-39 depend from Claim 20 and are submitted to be allowable for at least the same reasons presented above with respect to Claim 20.

In addition to depending from Claim 20, Claims 21-39 include additional elements that are not found in Vaccarelli. Some of these claims are discussed below.

Claim 27 includes elements common with Claim 5 discussed above, including "generating an estimate of the completion of a responsive communication and transmitting the estimate of the completion to the client." Applicants submit that Vaccarelli fails to disclose generating an estimate for completing a responsive communication and, in the absence of any clear articulation and analysis to the contrary, that it would not have been obvious to one of ordinary skill in the art based on the disclosure of Vaccarelli. Hence, the 35 U.S.C. § 103(a) rejection of Claim 27 was in error and should be withdrawn.

Claim 28 includes elements common with Claim 6 discussed above, particularly steps for generating an estimate for completing a responsive communication. As Vaccarelli fails to disclose generating an estimate for completing a responsive communication, it follows that Vaccarelli also fails to disclose particular steps in generating an estimate for completing a

responsive communication. Hence, the 35 U.S.C. § 103(a) rejection of Claim 28 was in error and should be withdrawn.

Claim 29 includes elements common with Claim 7 discussed above, including:

wherein at least of subset of clients are associated a processing priority, the processing priority guaranteeing a responsive communication within a threshold time, and wherein generating an estimate of the completion of a responsive communication includes:

determining whether the client is associated with a processing priority; and

if the client is associated with a processing priority, providing the threshold time as the estimate of the completion of a responsive communication.

Applicants submit that Vaccarelli fails to disclose a subset of clients associated with a processing priority guaranteeing a responsive communication within threshold time, determining whether the client is associated with a processing priority and, if so, providing a threshold time as the estimate of completion of a responsive communication. Moreover, applicants submit that it would not be obvious to one of ordinary skill in the art in view of the teachings of Vaccarelli, especially in the absence of any clear articulation of reasons or analysis to the contrary. Accordingly, applicants submit that the 35 U.S.C. § 103(a) rejection of Claim 29 was in error and should be withdrawn.

Claim 32 includes associating a user selection of the first or second link with a customer service agent (via Claim 31) and "generating a customer service agent metric based on the customer service agent tracking information." Additionally, the Office Action fails to identify where in Vaccarelli this information is found or why it would have been obvious to one skilled in the art in view of the disclosure of Vaccarelli. Hence, in the absence of any clear articulation of reasons or analysis to the contrary, applicants submit that Claim 32 is in condition for allowance

over the cited reference and requests that the 35 U.S.C. § 103(a) rejection of Claim 30 be withdrawn and the claim allowed.

Independent Claim 40

Independent Claim 40 reads as follows:

A computer-readable medium having computer-executable components for processing customer service inquiries, the computer-executable components comprising:

a responsive communication component including one or more information components corresponding to a response to a customer service inquiry from a customer service agent;

an embedded unresolved inquiry component corresponding to an indication of an unresolved response to the customer service inquiry and including a first link to a service provider, wherein the first link to the service provider is associated with an expiration date indicating when the first link will expire; and

an embedded resolved inquiry component corresponding to an indication of a resolved response to the customer service inquiry and including a second link to the service provider.

Claim 40 recites, with regard to the embedded links in the response from a customer service agent, "wherein the first link to the service provider is associated with an expiration date when the first link will expire." As discussed above, Vaccarelli fails to disclose an expiration date associated with an embedded link of an unresolved response to a customer service inquiry. Further, in the absence of clear articulation and analysis to the contrary, applicants submit that these elements of Claim 40 would not have been obvious to one skilled in the art. Accordingly, for at least these reasons, applicants submit that the 35 U.S.C. § 103(a) rejection of Claim 40 was in error, should be withdrawn, and the claim allowed.

Similar to above, the Office Action has failed to specify exactly how the cited reference, Vaccarelli, teaches or discloses the recitations of Claim 40. Applicants submit that it would not

have been obvious to a person of ordinary skill in the art to implement a method as claimed in Claim 20. As noted above, the Supreme Court is quite clear that a §103(a) rejection must include a clear articulation of the reasons why a claim is obvious. Accordingly, for the reasons set forth above in regard to Claim 1, applicants respectfully request that the 35 U.S.C. § 103 (a) rejection of Claim 40 also be withdrawn and the claim allowed.

Dependent Claims 41-47

In the absence of a clear articulation of the reasons and analysis as to why the elements recited in Claims 41-47 are obvious in view of Vaccarelli, applicants submit that for at least this reason the 35 U.S.C. § 103(a) rejections of Claims 41-47 were in error and should be withdrawn.

Additionally, Claims 41-47 depend from Claim 40 and are submitted to be allowable for at least the same reasons presented above with respect to Claim 40.

No Disclaimers or Disavowals

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, the applicants are not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. The applicants reserve the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child, or related prosecution history shall not reasonably infer that the applicants have made any disclaimers or disavowals of any subject matter supported by the present application.

LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESS^{PC}
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206.682.8100

CONCLUSION

In view of the foregoing amendments and remarks, applicants respectfully submit that the above-referenced patent application is now in condition for allowance. Reconsideration of the application and allowance of the pending claims are respectfully requested. If any questions remain, the Examiner is invited to contact applicants' undersigned attorney at the telephone number listed below.

Respectfully submitted,

CHRISTENSEN O'CONNOR
JOHNSON KINDNESS^{PH.C}



Tracy S. Powell
Registration No. 53,479
Direct Dial No. 206.695.1786

TSP/MLR:lal

LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESS^{PH.C}
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206.682.8100